IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

Bail Appl..No. 4430 of 2007()

CRIME NO.41 OF 2007 OF MEDICAL COLLEGE POLICE STATION, THIRUVANANTHAPURAM

.....

: PETITIONER/ACCUSED

K.GEETHA, AGED 45, T.C.6/646,
I.T.KONMAM PUTHENVEEDU, CHERUVACKAL P.O.,
MEDICAL COLLEGE, CHERUVACKAL VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.LAL GEORGE
SMT.ANN SUSAN GEORGE

RESPONDENTS: COMPLAINANTS

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
OFFICE OF THE ADVOCATE GENERAL,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION,
THIRUVANANTHAPURAM,
REP. BY THE P.P.SHRI A.RAJASENAN.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4430 of 2007

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Dated this the 23rd day of July, 2007

ORDER

Application for anticipatory bail. The petitioner is the 1st accused. There is an allegation that building taken on rent by the petitioner was used for running the flesh trade. The investigation is complete. Final report has already been filed. The petitioner's prayer for anticipatory bail was dismissed by the learned Sessions Judge, even before the final report was filed. The learned Public Prosecutor submits that the the final report was filed on 30.6.07 and the prosecution is pending as C.C.No.937/2007. The petitioner apprehends imminent arrest.

2. After the decision in **Bharat Chaudhary v. State of Bihar** [A.I.R 2003 S.C 4662], it is trite that powers under Section 438 Cr.P.C can be invoked in favour of a person who apprehends arrest in execution of a non bailable warrant issued by a court in a pending proceedings. But even for that, sufficient and satisfactory reasons must be shown to exist. I am not persuaded in the facts and circumstances of this case to conclude that any such reasons exist.

3. In the result, this petition is dismissed. I may however,

hasten to observe that if the petitioner appears before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously-on the date of surrender itself unless there are exceptional and compelling reasons.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE